



THE CITY OF NEW YORK
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May 20, 2020

BY ECF

Hon. Loretta A. Preska

United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street,
New York, N.Y. 10007

The request for a 3-week extension is granted.

SO ORDERED.

Dated: May 21, 2020

LORETTA A. PRESKA, U.S.D.J.

Re: Benjamin v. Brann
75 Civ. 3073 (LAP)

Deft's Request to Adjourn OCC Response Date

Dear Judge Preska:

On behalf of the defendants in the above captioned action, I write to request a three week extension of time to respond to the Office of Compliance Consultants ("OCC") Draft Report on Environmental Conditions to the Court, from *May 22, 2020 to June 12, 2020*. Although OCC consents to this extension, the Legal Aid Society does not, and would only agree to a ten day extension, which Defendants believe is inadequate under the present circumstances. Specifically, Plaintiffs' counsel advised me in an email, "We understand the [Environmental Health Unit] staff is busy but for the same reasons that they are busy, we think the OCC Report should be finalized and submitted as soon as possible." This is the first request for an extension.

The response to the OCC Draft report is primarily within the purview of the Department of Correction ("DOC") Environmental Health Unit ("EHU"), a relatively small unit, which is presently overwhelmed with work attendant to the public health emergency. While overseeing the new DOC protocols relating to this emergency, it staff has also been assisting my office in responding to hundreds of habeas corpus proceedings brought by Legal Aid in state court, seeking to release individual inmates asserted to be at high risk of contracting the COVID-19 virus. In addition, also reflecting the present emergency, the DOC has been receiving a greater than usual number of complaints and inquiries from Legal Aid, asking for information and corrective action on behalf of individual inmates and particular housing units; many of those complaints encompass environmental matters which require investigation by the EHU.

Accordingly, I respectfully request that Defendants be permitted to provide OCC with its comments on the Draft Report by *June 12, 2020*. (OCC's own submission to the Court is due five working days after receipt of the parties' comments, which would then be June 19, 2020). We appreciate the Court's attention to this matter.

Respectfully yours,

/s/

Chlarens Orsland
Assistant Corporation Counsel

cc: Veronica Vela, Esq.
Robert Quackenbush, Esq.
Legal Aid Society
Via ECF

Nicole Austin Best
OCC
Via e-mail